

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOYCE E. HOLMES,
Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,
Defendant.

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:
: CIVIL ACTION
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: NO. 08-4624
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:
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Order

YOHN, J.

AND NOW, this 28th day of April, 2010, upon consideration of plaintiff's Request for Review and the Commissioner's Response, and after careful and independent review of the magistrate judge's Report and Recommendation, plaintiff's objections thereto, and the Commissioner's response to objections, it is hereby **ORDERED** that:

1. Plaintiff's objections are **SUSTAINED** as to the Administrative Law Judge's consideration of obesity and of plaintiff's residual functional capacity, and **OVERRULED** as to all other objections.
2. The recommendations of the United States Magistrate Judge are **REJECTED**.
3. The matter is **REMANDED** to the Commissioner of the Social Security Administration for further proceedings consistent with the accompanying memorandum.

/s/ William H. Yohn Jr.

William H. Yohn Jr., Judge